IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 4555 of 2007(P)

PETITIONERS:
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1. **C.K. MUHAMMED SALIM,**
   U.P.S.A., MARKAZ HIGHER SECONDARY SCHOOL,
   KARANTHUR, KOZHIKODE.

2. **KAMARUNNISA,**
   U.P.S.A., M.K.H.M.M.O.V.H.H.S. FOR GIRLS,
   MUKKAM VIA. KOZHIKODE.

3. **BEENA VADUKUTT,**
   P.D. TEACHER, G.L.P.S., PANNIKODE, KOZHIKODE.

4. **K. ANITHA,**
   P.D. TEACHER, G.L.P.S., VELLIPARAMBA, KOZHIKODE.

5. **SHERRY FRANCIS,**
   U.P.S.A., ST.MICHAEL'S, G.H.S., WEST HILL,
   KOZHIKODE-5.

BY ADV. SRI.K.M.JAMALUDHEEN,
SMT.LATHA PRABHAKARAN,
SRI.K.H.SANOJ.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REP. BY THE SECRETARY TO GOVERNMENT,
   GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
   THIRUVANANTHAPURAM.

W.P.(C). NO.4555/2007:

3. THE DISTRICT EDUCATIONAL OFFICER,
KOZHIKODE.

BY GOVT. PLEADER SRI. T.T. MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.4555/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER OF R.2. DTD. 28/05/2004.

EXT.P.2: COPY OF THE ORDER OF R.2. DTD. 25/06/2004.

EXT.P.3: COPY OF THE ORDER OF R.2. DTD. 28/05/2004.

EXT.P.4: COPY OF THE ORDER OF R.2. DTD. 28/05/2004.

EXT.P.5: COPY OF THE ORDER OF R.2. DTD. 28/05/2004.

EXT.P.6.A: COPY OF THE ORDER OF R.1. DTD. 15/12/2004.

EXT.P.6.B: COPY OF THE ORDER OF R.1. DTD. 14/02/2005.

EXT.P.6.C: COPY OF THE ORDER OF .1. DTD. 25/11/2004.

EXT.P.6.D: COPY OF THE ORDER OF R.1. DTD. 29/03/2005.

EXT.P.6.E: COPY OF THE ORDER OF R.1. DTD. 18/04/2005.

EXT.P.7: COPY OF THE REPRESENATION OF PETITIONER DTD. 14/08/2006 TO THE R.1.

EXT.P.8: COPY OF THE ORDER OF R.1. DTD. 19/12/2006.

EXT.P.9: COPY OF THE CIRCULAR OF R.1. DTD. 16/03/1998.

EXT.P.10: COPY OF THE CIRCULAR OF R.1. DTD. 06/03/1999.

EXT.P.11: COPY OF THE CIRCULAR OF R.1. DTD. 17/01/2001.

EXT.P.12: COPY OF THE CIRCULAR OF R.1. DTD. 04/11/2003.

EXT.P.13: COPY OF THE CIRCULAR OF R.1. DTD. 03/06/2002.

EXT.P.14: COPY OF THE PROCEEDINGS OF R.1. DTD. 16/03/1998.

EXT.P.15: COPY OF THE JUDGMENT IN WRIT PETITION NO-3014/2006 DTD. 14/08/2006.

//TRUE COPY//

prv.

K. M. JOSEPH, J.

W.P.C. NO. 4555 OF 2007 P

Dated this the 28th March, 2007

JUDGMENT

Petitioners challenge Exts. P6(a) to P6(e) and P8. The further prayer is to reckon the period of leave without allowance sanctioned to the petitioners as per Exts.P6(a) to P6(e) for all service benefits including increments, grade promotion and pension. Other prayers are also there on similar lines. Petitioners rely on Ext.P15 Judgment. It is clear that the claim of petitioners that leave without allowance will count for the purpose of pension, cannot be accepted. To that extent, the impugned orders are correct. But, at the same time, petitioners' claim for grant of increments on the basis of leave without allowance sanctioned to the petitioners, will have to be reconsidered in the light of Ext.P15 Judgment. In such circumstances, Exts.P6(a) to P6(e) and P8 are quashed and the first respondent is directed to reconsider the matter and pass appropriate orders in accordance with law and in the light of

Ext.P15 Judgment, within a period of two months from the date of receipt of a copy of this Judgment.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.